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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,425	11/24/2003	Denis Chevalier	FR920020079US1	6092
23550 7590 12/29/2006 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER REZA, MOHAMMAD W	
			ART UNIT 2136	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,425

Applicant(s)

CHEVALIER ET AL.

Examiner

Mohammad W. Reza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the arguments filed on 11/17/2006.
2. Claims 1-9 are pending in the application.
3. Claims 1-9 have been rejected.

Response to Amendment

4. The examiner approves cancellation of claim 10.
5. The examiner withdraws the 101 rejection as claim 10 is cancelled.

Response to Arguments

6. Applicant's arguments filed on 11/17/2006 have been fully considered but they are not persuasive.

Applicant argues that Niwa does not teach "upon reception of an access request, including at least a subscriber identifier, a service provider identifier and a password, at said at least one point of presence and determining, according to said service provider identifier, if said access request comes from a subscriber of said master service provider or from a subscriber of said client service provider, said access request being rejected otherwise; if said access request comes from a subscriber of said master service provider, determining, using said subscriber identifier and said password, if said subscriber is authorized to establish a connection". Examiner respectfully disagrees. For example, "Similar problems occur when goods and/or services are requested and

confirmed by a user of the network simply by connecting with the provider's website. For example, when a provider of goods and/or services requires an initial registration with a particular consumer that authorizes billing the consumer for use of the website, accidental (or fraudulent) use of the website is likely by non-authorized users. More particularly, a parent (authorized user) may contract with a provider of goods and/or services to permit the authorized consumer to utilize the website. The terms of the contract (or registration) may be that the consumer's credit card will be charged for an amount representing use of the website by the authorized consumer (e.g., obtaining information from the website or purchasing goods). (col. 1, lines 56-67), "Unfortunately, the only way that the provider of goods and/or services knows that a user of the website is an authorized consumer is by way of an identification number (e.g., password etc.) given by the authorized consumer or automatically transmitted by the authorized consumer's personal computer. Thus, any user of the authorized consumer's personal computer who obtains the password (if employed) may access the website and incur charges without the knowledge of the authorized consumer (col. 1-11)" and "At action 200, the customer 52 preferably accesses the settlement bank 10 via a network, such as the Internet, using any of the known techniques. After the customer 52 has indicated that he or she is interested in conducting an investment transaction, the settlement bank 10 prompts the customer 52 to authenticate himself or herself (action 202). In response, the customer 52 preferably activates the fingerprint identification device 50 (action 204) which causes the device to compare the customer's fingerprint with a stored fingerprint

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(action 206) and produce an authentication code if a match is obtained (col. 7, lines 27051) discloses these limitations.

Applicant argues that Niwa does not teach, "subscriber is authorized, establishing a connection, else, rejecting said access request". Examiner disagrees, for example, "At action 114, if the customer 52 fails to transfer the authentication code to the provider of goods and/or services 60, 62 or 64, then it is preferred that the provider of goods and/or services rejects the transaction and again requests that the customer authenticate himself (action 104). When at least the authentication code is received by the provider of goods and/or services 60, 62 or 64, then the processing of the transaction is permitted to continue." (col. 6, lines 5-12)" discloses these limitations.

Applicant argues that Niwa does not teach, "if said access request comes from a subscriber of said client service provider, determining if a new connection may be established for a subscriber of said client service provider; and, if a new connection may be established, sending an authorization request, comprising at least said subscriber identifier and said password, to said client service provider, else, rejecting said access request; upon reception of an authorization acknowledgment, comprising said subscriber identifier, from said client service provider: if said subscriber is authorized, establishing a connection else, rejecting said access request". Examiner disagrees, for example "According to yet another aspect of the invention, the customer is permitted to conduct an investment transaction over the network. The steps according to this aspect of the invention include: establishing an electronic connection over the network between the customer and a settlement bank over which the investor may provide investment

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instructions; requesting that the customer provide authentication to the settlement bank by activating the fingerprint identification device; receiving at least the authentication code at the settlement bank over the network from the fingerprint identification device; receiving investment instructions at the settlement bank over the network from the customer; and transmitting the investment instructions to a third party if at least the authentication code is valid (col. 3, lines 10-27)" discloses these limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Kiyohiko Niwa hereafter Niwa (US patent 6453301).
4. As per claim 1, and 9 Niwa discloses a method, an apparatus and a computer-like readable medium comprising instructions comprising the steps of: upon reception of an access request, including at least a subscriber identifier, a service provider identifier and a password, at said at least one point of presence (col. 1, lines 56-67, col. 2, lines 1-11, col. 7, lines 27-51): determining, according to said service provider identifier, if said access request comes from a subscriber of said master service provider or from a subscriber of said client service provider, said access request being rejected otherwise; if said access request comes from a subscriber of said master service provider,

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determining, using said subscriber identifier and said password, if said subscriber is authorized to establish a connection (col. 1, lines 56-67, col. 2, lines 1-11, col. 7, lines 27-51); and, if said subscriber is authorized, establishing a connection, else, rejecting said access request (col. 6, lines 5-12); else, if said access request comes from a subscriber of said client service provider, determining if a new connection may be established for a subscriber of said client service provider; and, if a new connection may be established, sending an authorization request, comprising at least said subscriber identifier and said password, to said client service provider, else, rejecting said access request; upon reception of an authorization acknowledgment, comprising said subscriber identifier, from said client service provider: if said subscriber is authorized, establishing a connection else, rejecting said access request (col. 3, lines 10-27).

5. As per claim 2, Niwa discloses the method comprising the step of replacing said subscriber identifier and said password by a virtual subscriber identifier and a virtual password, associated to said service provider identifier, when said access request comes from a subscriber of said client service provider, before determining if a new connection may be established for a subscriber of said client service provider (col. 1, lines 56-67, col. 2, lines 1-11, col. 7, lines 27-51).

6. As per claim 3, Niwa discloses the method comprising the step of determining a duration of the connections established by subscribers of said client service provider (col. 2, lines 45-59).

7. As per claim 4, Niwa discloses the method comprising the step of determining a number of simultaneous connections established by subscribers of said client service provider (col. 3, lines 10-27).

8. As per claim 5, Niwa discloses the method wherein said step of determining if a new connection may be established for a subscriber of said client service provider is based upon a number of ports allocated to said client service provider (col. 3, lines 10-27).

9. As per claim 6, Niwa discloses The method wherein said step of determining if a new connection may be established for a subscriber of said client service provider is based upon a connection time threshold associated with said client service provider (col. 4, lines 42-62).

10. As per claim 7-8, Niwa discloses the method implemented in a RADIUS proxy, using RADIUS protocol, and wherein said service provider identifier is a realm (col. 2, lines 19-44).

Conclusion

22. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **MOAZZAMI NASSER G** can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza
AU 2136

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12/25/06